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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DALE EDWARD FLANAGAN,

Petitioner,

v.

WILLIAM GITTERE,¹ *et al.*,

Respondents.

Case No. 2:09-cv-00085-KJD-GWF

ORDER

Petitioner Flanagan, through counsel, has filed a motion for appointment of co-counsel. ECF No. 138. Flanagan's counsel, Mark Olive, asks the court to appoint Michael Laurence to serve as his co-counsel in this case. Counsel represents to the court that Laurence has substantial experience litigating capital habeas cases in both state and federal court, including prior experience representing Flanagan in the U.S. Supreme Court and in state post-conviction proceedings.

Mr. Laurence's resume (ECF No. 138-1) shows that he is qualified to act as petitioner's co-counsel in this capital habeas case. *See* 18 U.S.C. § 3599 (b-d). In addition, Mr. Laurence's appointment will likely expedite the resolution of this case. Good cause appearing, pursuant to 18 U.S.C. § 3599(a) and in the interest of justice, the court shall appoint Michael Laurence as co-counsel for the petitioner. Upon accepting the court's appointment as counsel, Mr. Laurence

¹ William Gittere is substituted for Timothy Filson, as the respondent Warden of Ely State Prison. See Fed. R. Civ. P. 25(d).

1 shall represent petitioner in all future federal proceedings in this court relating to this matter,
2 including subsequent actions, and appeals therefrom, pursuant to 18 U.S.C. § 3599(e), until
3 allowed to withdraw.

4 **IT IS THEREFORE ORDERED** that petitioner's motion for appointment of co-counsel
5 (ECF No. 138) is GRANTED. Mr. Laurence shall have 10 days from the date of entry of this
6 order to enter a notice of appearance in this case.

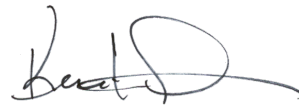
7 **IT IS FURTHER ORDERED** that the court grants Mr. Laurence's application for
8 permission to practice *pro hac vice* in this case. ECF No. 138-2. The Clerk shall waive the
9 application fee.

10 **IT IS FURTHER ORDERED** that no later than 14 days from the date of entry of this
11 order, appointed counsel shall consult with Ninth Circuit CJA Case Managing Attorney Kristine
12 Fox to prepare a budget for the Court's consideration. *See Guide to Judiciary Policy*, Vol. 7A,
13 § 640. Ms. Fox may be reached at 415.355.8985 or kfox@ce9.uscourts.gov.

14 **IT IS FURTHER ORDERED** that petitioner's unopposed motion for extension of time
15 (ECF No. 139) is GRANTED. Petitioner shall have until May 3, 2019, to file his opposition to
16 respondents' motion to dismiss (ECF No. 131).

17 DATED: March 6, 2019

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UNITED STATES DISTRICT JUDGE